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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,883	06/07/1999		RCA-89.580	4746

24498 7590 01/21/2005

PATENT OPERATIONS
THOMSON LICENSING INC.
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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/326,883

Applicant(s)

WORDEMANN

Examiner

Bob Chevalier

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37.CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, and 6-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over the submitted prior art of Iggulden et al (P.N. 5,692,093) in view of Abecassis (P.N. 6,208,805).

Iggulden et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 1, and 6-7, including the feature of having the program contribution including all program parts being recorded on the recording medium (See Iggulden et al's claim 1, paragraph's b), the feature of searching the beginning and the ending of each program part which is intended to be suppressed in the event of subsequent reproduction, such as the advertising blocks are sought and associated items are collected as specified in the present claims 1, and 6-7. (See Iggulden et al's claim 1, paragraphs' c-f).

Iggulden et al fails to specifically disclose the feature of avoiding any kind of reproduction of program parts (advertising blocks) during the reproduction of the program contribution as specified in the present claims 1, and 6-7.

Abecassis does disclose the feature of skipping the reproduction of program parts (advertising blocks) during the reproduction of the program contribution as specified in the present claims 1, and 6-7. (See Abecassis' claims 7-8).

It would have been obvious to one skilled in the art to modify the Iggulden et al's apparatus wherein the reproducing means provided thereof would incorporate the capability of skipping the reproduction of program parts (advertising blocks) during the reproduction of the program contribution in the same conventional manner as shown by Abecassis. The motivation is to enhance the viewing of the program material by automatically eliminating commercial messages during playback operation as suggested by Abecassis.

With regard to claim 2, the feature of the information items regarding the beginning and the ending of the program parts being stored on the storage medium in the form of jump information specifying the location at which data cells should be read out next in order to continue the reproduction of the program contribution without any program part interruption as specified thereof is present in the proposed combination of Iggulden et al and Abecassis indicated above. (See Abecassis' claims 7-8, and further, see Iggulden et al's claim 1, paragraphs' e-g, where it is disclosed the capability of storing information data regarding the beginning and the ending of the commercial messages material).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al and Abecassis et al as applied to claims 1-2 above, and further in view of the submitted prior art of Kawamura et al (WO 97/06531).

The proposed combination of Iggulden et al and Abecassis indicated above discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claim 3, including the feature of the navigation data being stored on

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DVD disk as a storage medium as specified in the present claim 3. (See Iggulden et al's claim 14).

The proposed combination of Iggulden et al and Abecassis indicated above fails to specifically disclose the feature of storing on the storage medium the navigation data representing the order in which the data cells that have been written to are intended to be read out in the event of a reproduction excluding of the commercial data cells as specified in the present claim 3.

Kawamura et al does disclose video apparatus which includes the feature of storing navigation data on a storage medium, the navigation data representing the order in which the data cells that have been written to are intended to be read out in the event of a reproduction operation excluding of the segment data that are not supposed to be reproduced during said reproduction operation as specified in the present claim 3. (See Kawamura et al's claim 1).

It would have been obvious to one skilled in the art to modify the video recording/reproducing apparatus shown in the proposed combination of Iggulden et al and Abecassis indicated above, wherein the recording/reproducing means provided thereof would incorporate the capability of storing the navigation data in the storage means, the navigation data representing the order in which the data cells that have been written to are intended to be read out in the event of a reproduction operation excluding of the segment data that are not supposed to be reproduced during said reproduction operation, in the same conventional manner as is shown by Kawamura et

al. The motivation is to increase the accessing speed of the recorded data during reproduction operation as suggested by Kawamura et al.

4. Claims 4-5, and 8-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al, Abecassis and Kawamura et al as applied to claim 3 above, and further in view of Official Notice.

The proposed combination of Iggulden et al, Abecassis, and Kawamura et al indicated above discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 4-5, and 8-9, including the feature of recording video data, commercial data and the capability of reproducing the video data without the commercial data as specified in the present claims 4-5, and 8-9. (See the above rejection of claim 3).

The proposed combination of Iggulden et al, Abecassis, and Kawamura et al indicated above fails to specifically disclose the feature of the second recording medium for recording the reproduced video data without the commercial data (program parts) as specified in the present claims 4-5, and 8-9.

Examiner takes Official Notice in that it is notoriously well known in the video recording/reproducing art to have a second recording medium for dubbing video data reproduced from a first recording medium on said second recording medium as specified in the present claims 4-5, and 8-9.

It would have been obvious to one skilled in the art to modify the proposed combination of Iggulden et al, Abecassis, and Kawamura et al indicated above wherein the recording/reproducing means provided thereof would incorporate a means for

dubbing the video data without the commercial messages that is being reproduced from the provided first recording medium on a second recording medium in the same conventional as is notoriously well known in the video recording/reproducing art.

Examiner has taken an Official Notice. The motivation is to be able to dub the video data on a second recording medium at any desired time as suggested in the prior art.

5. Applicant's arguments filed 9/16/04 have been fully considered but they are not persuasive.

Regarding the Applicant's argument in that the proposed combination is improper because it fails to disclose the feature of the storage medium which includes all parts and that recorded data is resorted and packed on this medium as recited in claim 8, Examiner disagrees. It is noted that claim 8, or any of the claims of the present claimed invention, does not recite the feature of having data recorded on a recording medium being resorted and packed on the same medium as argued by Applicant. It is noted that the claimed invention only recites the feature of resorting the recorded data cells in order to store the data of the programme contribution such that they are packed as compactly as possible without the interruptive programme parts. It is to be noted that such a claimed feature would be present in the proposed combination of Iggulden, Abecassis, Kawamura et al and Official Notice indicated above. Because, as indicated in the above rejection, the proposed combination does disclose the capability of reproducing recorded data from a recording medium while skipping unwanted segments of commercial messages. (See Abecassis' claims 7-8, and further, see Iggulden et al's claim 1, paragraphs' e-g, where it is disclosed the capability of storing information data

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regarding the beginning and the ending of the commercial messages material).

Therefore, when such a proposed combination is further modified in view of the Official Notice as indicated in said above proposed combination, the capability of storing on a storage medium data reproduced from a recording medium while avoiding unwanted commercial messages in a manner to resort and pack the data as claimed would be present thereof. Since, the data reproduced from the recording medium without the commercial messages (as shown by the combination of Iggulden et al and Abecassis) would have been provided to a storage medium for recording purposes (as is notoriously well known in the video/audio dubbing apparatus, Examiner has taken Official Notice). As such, the data stored, or recorded, in said storage medium would have been resorted and packed as claimed since the commercial messages would not have been part of said data stored in said storage medium.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
January 14, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER